

Appl. No.: 09/864,103  
Amdt. Dated July 23, 2003  
Reply to Office action of Feb. 25, 2003  
Group Art Unit: 3712

Patent  
12798.0004

### **REMARKS/ARGUMENTS**

Claims 1-19 of the present application are currently pending. In the Office Action mailed February 25, 2003, claims 1-19 have been rejected.

In response, the cited references have been reviewed and the rejections made to the claims by the Examiner have been considered. The Applicants have amended claims 1 and 11 of the present application, and added new claims 20-25. For the reason set forth below, the Applicants respectfully traverse the rejections and submit that all pending claims are in condition for allowance and allowance of the application is respectfully requested.

### **Rejections under 35 USC §112**

In the Office Action dated February 25, 2003, claims 1-19 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter that the Applicants regards as the invention. More specifically, in the Office Action the Examiner stated "[I]t is not clear what is meant by 'wedge-like'; his term is not defined in the specification.

The Applicants have amended claims 1 and 19 of the present application. In addition, the Applicants respectfully submit that the specification of the present application states "[t]he dampener is shown further in FIGS. 3-5 to have a base section 12 and an extending substantially triangular extension (wedge end) 14." (see page 4, lines 2-3). Furthermore, *Merriam-Webster's Collegiate Dictionary, 10<sup>th</sup> Ed.* defines wedge as "a piece of a substance (such as wood or iron) that tapers to a thin edge." Figures 3, 6, and 7 of the present application show various embodiments of the dampener device of the present application having a wedge-like shape. As such, the Applicants respectfully submit that the pending claims are in condition for allowance and allowance of the application is requested.

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### Rejections under 35 USC §102

In the Office Action, claims 1 and 5-10 were rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 6,298,842, issued to Sims (hereinafter Sims). For the reasons set forth below, the Applicants respectfully traverse the rejections and respectfully submit that the amended claims define patentable subject matter over the cited prior art.

For a reference to anticipate a claim under 35 USC §102 the reference must teach every element of the claimed invention. (see MPEP §2131).

Claim 1 of the present application is directed to an embodiment of an archery bow dampening device and includes a base portion and substantially wedge-like extension portion suspended from the base portion, the base portion and the wedge-like extension portion being made of an elastomer, a contact area positioned on the base portion attachable along the contact area to an archery bow, wherein the wedge-like extension portion is configured to be free of contact with the archery bow in directions which are generally normal to the longitudinal axis of the archery bow reciprocating in the plane of the bow.

Claim 11 of the present invention is directed to another embodiment of an archery bow dampening device and includes a base portion and substantially wedge-like extension portion suspended from the base portion, the base portion and the wedge-like extension portion being made of an elastomer, a contact area positioned on the base portion and attachable along the contact area to an archery bow, wherein the wedge-like extension portion is configured to be free of contact with the archery bow in directions which are generally normal to the longitudinal axis of the archery bow reciprocating in the plane of the bow, a notch formed in the device, and an insert disposed within the notch and being made of one or more elastomers of lower durometer properties than the elastomer of said the base portion, whereby said the insert is being compressed in the notch.

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The Sims reference is directed to archery bow accessories with bow vibration decay pattern modifiers for improving accuracy and includes a vibration pattern modifying component which has an integral head and stem and is fabricated from an elasomeric material, and a mechanism form attaching the component to a bow limb. Column 3, lines 9-11 describe the Sims device as "...a mushroom-like configuration and a T-like cross-section defined by a cylindrical head 42 and an integral, also cylindrical stem 44." As such, the Sims reference fails to teach or suggest a wedge-like extension portion extending from a base portion. Therefore, the Applicants respectfully submit that the Sims reference fails to teach every element of the claimed invention as required by MPEP §2131.

As the Sims reference fails to teach or suggest every element of claim 1 and 5-10, the Applicants respectfully submit that the cited prior art reference does not anticipate the rejected claims under MPEP §2131.

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### CONCLUSION

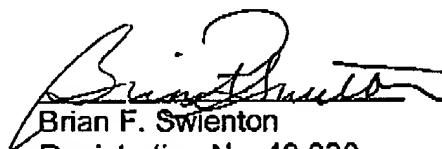
For the foregoing reasons, all claims presently on file in the subject application are in condition for immediate allowance, and such action is respectfully requested.

If it is felt for any reason that direct communication with applicants' attorney would serve to advance prosecution of this case to finality, the Examiner is invited to call the undersigned attorney at the below listed telephone number.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 50-1329.

Respectfully submitted,

Dated: July 23, 2003



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